

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
2002 Biennial Regulatory Review – Review of the)	
Commission’s Broadcast Ownership Rules and)	MB Docket No. 02-277
Other Rules Adopted Pursuant to Section 202 of)	
the Telecommunications Act of 1996)	
)	
Cross-Ownership of Broadcast Stations and)	
Newspapers)	MM Docket No. 01-235
)	
Rules and Policies Concerning)	
Multiple Ownership of Radio Broadcast)	MM Docket No. 01-317
Stations in Local Markets)	
)	
Definition of Radio Markets)	
		MM Docket No. 00-244

ORDER

Adopted: December 20, 2002

Released: December 23, 2002

By the Chief, Media Bureau:

1. On September 12, 2002, the Commission adopted a Notice of Proposed Rulemaking (“*Notice*”)¹, which began this 2002 biennial review of its broadcast ownership rules. The Commission initially set deadlines of December 2, 2002, for comments (70 days after the *Notice* was released) and January 2, 2003, for reply comments (101 days after the *Notice* was released). On November 5, 2002, the Media Bureau extended these deadlines to January 2, 2003, and February 3, 2003, respectively, in response to petitions seeking extensions.² Accordingly, parties will have 101 days to comment on the *Notice* and an additional 30 days to reply to filed comments.

2. The Minority Media and Telecommunications Council (“MMTC”) and the National Association of Black Owned Broadcasters (“NABOB”) have jointly filed a Motion asking the Commission to further extend the comment deadlines in this proceeding so that comments and reply comments would be due January 16, 2003 and March 17, 2003, respectively.³ They assert that they need more time to file their comments because the academics upon whom they expect to rely for analysis are currently unavailable due to fall semester grading and winter holidays, and they need more time to file their reply comments because they expect a voluminous record that will take a long time to digest and

¹ 2002 Biennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Cross-Ownership of Broadcast Stations and Newspapers, Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets, Definition of Radio Markets (“2002 Biennial Regulatory Review”), 17 FCC Rcd 18503 (2002) (“*Notice*”).

² 2002 Biennial Regulatory, DA 02-2989, MB Docket No. 02-77 (MB rel. Nov. 5, 2002) (“*Extension Order*”).

³ MMTC/NABOB Motion for Further Extension of Time, filed Dec. 9, 2002 (“MMTC/NABOB Motion”).

answer.⁴ We decline to grant the requested extension.

3. We must balance MMTC/NABOB's desire for a further extension with the concern of others that we not further delay the proceeding.⁵ The Newspaper Association of America ("NAA") opposed the MMTC/NABOB Motion, noting that the Commission has already extended the filing deadlines and opposing further delay.⁶ In this case, parties have had ample opportunity to comment on the issues raised in the *Notice*. The *Notice* was released on September 23, 2002, and, to assist commenters, the Commission adopted a 60-day comment period and 30-day reply comment period. As a further accommodation, the Commission delayed beginning of the filing periods until release of the Media Ownership Working Group ("MOWG") studies,⁷ on October 1, 2002.⁸ The Bureau subsequently extended the filing deadlines to give parties an additional 30 days to file their comments and reply comments.⁹ Thus, the comment period in this proceeding has been lengthy.

4. In addition, the Commission has gone to great lengths to make the studies and underlying data available to the public for review and analysis and to help commenters analyze the data underlying the MOWG studies more quickly. The studies initially were made available on ECFS and the Bureau's website. On November 5, 2002, the Bureau released additional information relating to the MOWG studies, including information about the methodology of the studies and underlying data and source material for the studies,¹⁰ and adopted a protective order establishing procedures to facilitate public review of proprietary portions of the released information.¹¹ The Commission placed on its website updated analyses of some of the MOWG reports, as well as underlying data that were not proprietary, to afford commenters immediate, convenient access to this additional information. Further, we placed hard-copies of underlying proprietary data in the public reference room, and placed the proprietary electronic databases on computers in the public reference room so commenters can come to the Commission and use the same data relied on in the MOWG studies to perform additional analyses. Authors of individual studies have been made available to answer questions about the studies, and study authors who are Commission employees are available, by appointment, to come to the reference room and answer questions and help commenters work with the data and software. The Bureau anticipates that our making the data publicly available to outside parties will permit them to conduct their own research using MOWG study data far more efficiently and quickly than if parties were required to acquire the necessary data on their own.

⁴ *Id.* at 4.

⁵ See *Opposition of the Newspaper Association of America to Further Request for Extension of Time* (Dec. 16, 2002) ("*NAA Opposition*"). See also *Opposition of Media General, Inc. to Motion for Revision of Procedural Dates* (Oct. 21, 2002) (contending that review of the newspaper/broadcast cross-ownership rule is long overdue, and that any extension of the comment filing deadlines will unnecessarily delay the proceeding).

⁶ See *NAA Opposition*.

⁷ *Notice* ¶ 169.

⁸ *FCC Seeks Comment on Ownership Studies Released by Media Ownership Working Group and Establishes Comment deadlines for 2002 Biennial Regulatory Review of Commission's Ownership Rules*, 17 FCC Rcd 19140 (2002) ("*Ownership Studies Public Notice*"). The Media Ownership Working Group studies were incorporated into the record of this proceeding, and are available on the Commission's website at <http://www.fcc.gov/ownership/studies.html>.

⁹ *Extension Order* ¶ 4.

¹⁰ *FCC's Media Bureau Adopts Procedures for Public Access to Data Underlying Media Ownership Studies and Extends Comment Deadlines for 2002 Biennial Regulatory Review of Commission's Media Ownership Rules*, DA 02-2980, MB Docket No. 02-277 (MB rel. Nov. 5, 2002) ("*Underlying Data Public Notice*").

¹¹ *2002 Biennial Regulatory Review*, DA 02-2981, MB Docket No. 02-277 (MB rel. Nov. 5, 2002) ("*Protective Order*").

5. Given these steps to assist commenters, and in light of concerns regarding further delay, we conclude that the public interest would not be served by granting an additional extension of the comment and reply comment filing deadlines.¹² Accordingly, IT IS ORDERED that petitioners' Further Motion for Extension of Time IS DENIED as discussed in this Order.

FEDERAL COMMUNICATIONS COMMISSION

W. Kenneth Ferree
Chief, Media Bureau

¹² MMTC/NABOB also ask for expedited consideration of requests made in their October 9, 2002 Petition for extension of time, that the Commission: (1) reverse language in the *Notice* and expand this proceeding to include review of the attribution rules; (2) affirm that minority ownership is a central interest in ownership proceedings; and (3) include in this record and seek comment on five studies released by the Commission in 2000 that address communications market entry barriers faced by small and women- and minority-owned businesses. MMTC/NABOB Motion at 4-5. As noted in the *Extension Order*, these issues will be addressed separately. *Extension Order* at n.6.